

Response to Written Opinion of the International Searching Authority

1. Citation of Lee (US Patent No. 5,628,336)

In Section V(2), Examiner asserts the following:

Claims 1-5, 7-8, 11-13, 15-16 lack novelty under PCT Article 33(2) as being anticipated by Lee (US Patent No. 5,628,336).

Lee teaches a fast-erecting portable structure (see Fig. 2) comprising: a first and second flexible framing rods (3) each having an inverted U-shape with two ends (9) being removably connected to joint rings (5) to define a base of the portable structure, the first and second flexible framing rods (1) crossing each other near an apex of the inverted U-shape, a third and a fourth flexible framing rods (3) crossing the first and second flexible framing rods respectively near but offset from the apex of the inverted u-shape which the first and second flexible framing rods being crossed, and a flexible skin slidably connected to the middles of the flexible framing rods by sleeves (1) which are sewn into the flexible skin.

For reasons that include the following, Applicant requests that the Examiner reconsider this assertion:

- The present application claims that the ends of the first and second flexible framing rods are non-removably connected to the tent. Applicants' specification expressly defines the term "non-removable." (See Specification at p. 8, ¶ 50 (In this specification, the term "non-removable" or "non-removably connected" refers to a connection that is not intended to be disconnected at any time by the user under ordinary circumstances during the useful life of the tent, including when the tent is set up, taken down, or stored away for future use. A "non-removable" connection could be removable in a non-ordinary circumstance, such as to remove and replace a broken part.) In Lee, the ends of each rod are removably connected to tent. (See, e.g., column 2, lines 45-56). To set up the tent, one has to insert rods (see, e.g., column 2, lines 45-56). If in Lee, the ends of the flexible framing rods were non-removably connected to the tent, the user could not set-up and take down the tent, which would render it non-usable for its intended purpose. Thus, Applicants' claims are patentably distinct over Lee.
- The present application claims that the ends of the first and second flexible framing rods are non-removably connected to the tent. In Lee, the ends of the flexible framing rods are connected to a joint. (See Fig 3.) Having a jointed connection prevents the tent from spring into shape when released from the bag and would undermine Applicant's invention. Thus, Applicants' claims are patentably distinct over Lee.
- Applicant has added Claims 28 and 30 to further distinguish its claims from Lee.

2. Citation of Griffin (PCT No. WO 96/18789)

In Section V(2), Examiner asserts the following:

Claims 1-5, 7-8, 10-15, 17-18, 21-27 lack novelty under PCT Article 33(2) as being anticipated by Griffin (PCT No. WO 96/18789).

Griffin teaches a fast-erecting portable structure comprising: a first, second, and third flexible framing rods (12) each being made of fiberglass reinforced plastics and having inverted U-shape configuration, wherein the first and second flexible framing rods (12) cross each other near an apex of the inverted U-shape, and the third flexible framing rod cross the first and second flexible framing rods respectively near the apex of the inverted u-shape, and a flexible skin (11) slidably connected to the middles of the flexible framing rods by sleeves (13) which are sewn into the flexible skin, and a storage bag (26) having a front and back sheets having circular perimeters being connected together to define an interior pocket and opened and closed by a flap (30), the flexible frame rods and the flexible skin being coiled and stowed inside of the storage bag.

For reasons that include the following, Applicant requests that the Examiner reconsider this assertion:

- The present application claims that the ends of the first and second flexible framing rods are connected to the flexible skin. In Griffin, the ends of the flexible framing rods are not connected to the flexible skin. Griffin discloses two fabric portions (11) that must be joined during assembly (bottom page 1- top page 2; page 3). Each rod in Griffin has one end connected to a first flexible skin and the other connected to a second flexible skin. During set-up of the tent, the first flexible skin and the second flexible skin are joined. If in Griffin, the two fabric portions (11) were not dividable, the user could not set-up and take down the tent, which would render it non-usable for its intended purpose. Thus, the Applicants' claims are patentably distinct over Griffin.
- In addition, Griffin requires ground straps (22) to be joined together during assembly (Page 4, Fig 7b) to create flexure. Rods must be manually deformed during assembly (top page 2.) Applicants disclose and distinctly claim a tent that does not need these items.
- In particular, as distinctly claimed in Claims 26 and 27, and as effectively claimed in all the other claims, Applicants' claim a tent that springs into shape when released. Griffin does not disclose any such thing.
- In addition, while Griffin discloses a bag for storage, the bag does not have a separate pocket for the rods. The "pocket" in Griffin is defined in spec refers to the bag itself not an interior pocket oriented to receive and hold the ends of the flexible rods.

3. Citation of Kramer et al. (US Patent No. 5,901,727)

In Section V(2), Examiner asserts the following:

Claims 1-2, 7-8, 10-16 lack novelty under PCT Article 33(2) as being anticipated by Kramer et al. (US Patent No. 5,901,727).

Kramer et al. teaches a fast-erecting portable structure (see Fig. 7 and Fig. 15) comprising: a first and second flexible framing rods (52, 54 or 68, 72) each having an inverted U-shape and crossing each other near an apex of the inverted U-shape, a third and a fourth flexible framing rods (50, 56 or 70, 74) crossing the first and second flexible framing rods respectively near but offset from the apex of the inverted u-shape which the first and second flexible framing rods being crossed, and a flexible skin (10) slidably connected to the middles of the flexible framing rods by a plurality of framing rod hooks (16), the flexible skin being connected to at least one flexible framing rod near the intersection of the frame rods by a flexible tie, and the two ends of the flexible framing rods being non-removably connected to the flexible skin and to act as a base of the portable structure.

For reasons that include the following, Applicant requests that the Examiner reconsider this assertion:

- The present application claims that the ends of the first and second flexible framing rods are non-removably connected to the tent. Applicants' specification expressly defines the term "non-removable." (See Specification at p. 8, ¶ 50 (In this specification, the term "non-removable" or "non-removably connected" refers to a connection that is not intended to be disconnected at any time by the user under ordinary circumstances during the useful life of the tent, including when the tent is set up, taken down, or stored away for future use. A "non-removable" connection could be removable in a non-ordinary circumstance, such as to remove and replace a broken part.) Kramer does not disclose or suggest the two ends of the rods being non-removably connected to tent. (See, e.g., column 5 lines 5-13, "...supported by a member of bent, ground engaging, flexible support poles.") Kramer never discloses at all how the two ends of the rods are connected to the tent. If anything, the disclosed connectors (16) are all designed to be removable. Thus, Applicants' claims are patentably distinct over Lee.

4. Citation of Jennings (US Patent No. 6,397,869)

In Section V(2), Examiner asserts the following:

Claims 1-6 lack novelty under PCT Article 33(2) as being anticipated by Jennings (US Patent NO. 6,397,869).

The Jennings teaches a fast-erecting portable structure comprising: a first and a second flexible framing rods (12) each being made of fiberglass and having inverted U-shape configuration with two ends being supported on footers (10) to define a base of the portable structure, wherein the first and second flexible framing rods (12) cross each other near an apex of the inverted u-shape, a flexible skin (14) slidably connected to the middles of the flexible framing rods by sleeves (10) and clips (3), a fly (21) supported by a fly framing rod and removably connected to the first and second flexible framing rods near the apex of the inverted u-shape.

For reasons that include the following, Applicant requests that the Examiner reconsider this assertion:

- Jennings discloses a removable connection between the tent and the rods. Applicant's previous response to the Lee citation applies equally here.

5. Citation of Scwhietzer (US Patent No. 4,085,873)

In Section V(2), Examiner asserts the following:

Claims 17-23 lack novelty under PCT Article 33(2) as being anticipated by Schweitzer (US Patent NO. 4,085,873).

Schweitzer teaches a storage bag having a front (10) and a back sheets (12) each having a perimeter having a shape of a substantially circular disk and being connected together by a spacer (16) therebetween, the front sheet having an opening and a flap (14) for opening or closing the opening by zip fasteners (18), at least one pocket (32) being formed on an inside surface of the back sheet (12) and a second pocket (28) on the first sheet (10) such that a portable structure is capably being coiled and stored inside of the pocket as claimed.

For reasons that include the following, Applicant requests that the Examiner reconsider this assertion:

- Applicant has amended claim 17 to clarify the purpose of the first pocket. Applicant believes this claims amendment overcomes the citation to Schwietzer.

In re Application of: Price, R. J., et al
International Application No.: PCT/US04/43986
Title of Invention: Fast-Erecting Portable Structure

Applicant's File No.: PHJM0681-006
International Filing Date: December 30, 2004

6. Citation of Kramer et al. (US Patent No. 5,901,727) and Lee (US Patent No. 5,628,336)

In Section V(2), Examiner asserts the following:

Claims 6 and 9 lack an inventive step under PCT Article 33(3) as being obvious over the Kramer et al. '727 or Lee '336 as applied in the immediately preceding paragraph and further in view of Nichols (US Patent No. 4,709,718). Kramer et al. and Lee disclose a portable structure comprising structural limitations as claimed except a fly. Nichols teaches a portable structure comprising a fly (12) being supported by a fly framing rod (14) and being removably connected to an axis portable structure near apex of an inverted u-shaped of two crossed flexible framing rods. Therefore, it would have been obvious to one of ordinary skill in the art to modify the portable structure of Kramer et al. or Lee with a fly being removably connected to the top of an existing portable structure as taught by Nichols for providing additional protection from raining.

For reasons that include the following, Applicant requests that the Examiner reconsider this assertion:

See previous sections relating to Kramer and Lee.

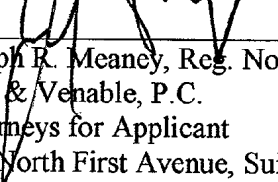
Conclusion

Applicants believe they have responded to every issue raised in Written Opinion. Applicant respectfully requests that the Examiner's opinion be reconsidered.

Respectfully submitted,

Ellis & Venable, P.C.

Date: 2/21/05

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